

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE:

LINDA GAIL ROGERS

1112 Chalmers Street
Durham, NC 27707
SSN: xxx-xx-4034

Debtor(s).

Case No. 07-81358

Chapter: 13

MOTION FOR RELIEF FROM AUTOMATIC STAY

Comes now Chrysler Financial Services Americas LLC f/k/a DaimlerChrysler Financial Services Americas LLC ("CFS"), by and through counsel, in support of its Motion for Relief from Automatic Stay would state and show unto the Court that:

1. On April 2, 2002, Linda Gail Rogers ("Debtor") purchased a 2001 Jeep Grand Cherokee, VIN 1J4GX48S21C538152 ("Vehicle"), said transaction being financed by CFS. A copy of an Affidavit of Lost Contract ("Contract") is attached hereto and incorporated by reference.

2. To secure the amounts advanced by CFS, the Debtor granted to CFS a security interest in the Vehicle; CFS holds a validly perfected, first priority purchase-money security interest in the Vehicle, as noted on the Certificate of Title issued by the State of North Carolina. A copy of said Title is attached hereto and incorporated by reference.

3. The Debtor commenced this bankruptcy case on September 19, 2007 ("Petition Date"). On the Petition Date, the payoff amount due under the Contract was \$5,958.66, and a secured Proof of Claim was filed for this amount.

4. The Debtor's confirmed Chapter 13 Plan provided that CFS's claim was to be secured in the amount of \$5,872.00 and paid together with 9.5% interest.

5. On information and belief, the Vehicle was involved in an accident and subsequently declared a total loss by the Met Auto and Home Insurance ("Insurance Company"). On information and belief, the Insurance Company is prepared to forward Insurance Proceeds to CFS, as first lienholder and loss payee, to satisfy the debt.

6. CFS seeks termination of the automatic stay to receive and accept the Insurance Proceeds directly from the Insurance Company, apply the Insurance Proceeds to its claim, and negotiate and transfer title to the remaining salvage of the Vehicle.

7. Pursuant to 11 U.S.C. § 362(d)(1), sufficient cause exists, including lack of adequate protection, for terminating the automatic stay as to CFS, the Vehicle and the proceeds thereof.

WHEREFORE, the above premises considered, CFS prays that:

1. CFS be granted immediate relief from the automatic stay provisions of 11 U.S.C. § 362 in order that it may proceed immediately with the enforcement of its security interest in the Vehicle and pursue any and all remedies available under state and/or federal law that are not inconsistent with Title 11 of the United States Code, including and not limited to, receiving and accepting the Insurance Proceeds directly from the Insurance Company, applying the Insurance Proceed to its claim, and negotiating and transferring title to the remaining salvage of the Vehicle.

2. The provisions of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure be waived.

3. CFS be granted such other and further relief to which it may be entitled.

Respectfully submitted,

/s/Jacob C. Zweig

Jacob C. Zweig (NC Bar No.38641

Attorney for Chrysler Financial Services Americas
LLC

Hale, Dewey & Knight, PLLC

88 Union Avenue, Suite 700

Memphis, TN 38103

(901) 271-0712

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE: LINDA GAIL ROGERS 1112 Chalmers Street Durham, NC 27707 SSN: xxx-xx-4034 Debtor(s).	Case No. 07-81358 Chapter: 13
---	----------------------------------

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on the below date, the undersigned served a copy of the Motion for Relief from the Automatic Stay by depositing the same, enclosed in a postpaid wrapper, properly addressed to the following parties in interest, at their last known addresses as shown below, in a post office or official depository under the exclusive care and custody of the United States Postal Service:

John T. Orcutt
Debtors' Attorney
6616-203 Six Forks Road
Raleigh, NC 27615

Richard M. Hutson, II
Chapter 13 Trustee
302 East Pettigrew St., Suite B-140
P.O. Box 3613
Durham, NC 27702

Linda Gail Rogers
1112 Chalmers Street
Durham, NC 27707

THIS the 23rd day of July, 2010.

/s/Jacob C. Zweig
Jacob C. Zweig (NC Bar No.38641)
Attorney for Chrysler Financial Services Americas
LLC
Hale, Dewey & Knight, PLLC
88 Union Avenue, Suite 700
Memphis, TN 38103
(901) 271-0712